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LONG ISLAND OFFICE

February 22, 2013

Hon. Arthur D. Spatt, U.S.D.J.
UNITED STATES DISTRICT COURT
Eastern District of New York
Long Island Federal Courthouse
100 Federal Plaza
Central Islip, New York 11722

**MOVANT'S COUNSEL IS DIRECTED TO SERVE A
COPY OF THIS ORDER ON ALL PARTIES UPON
RECEIPT VIA FACSIMILE.**

RE: John T. Corpac, et al. v. Rubin & Rothman, LLC
E.D.N.Y. Case No. 2:10-cv-04165-ADS-ETB

Dear Senior Judge Spatt,

I am counsel for Plaintiff in the referenced matter. I write pursuant to Your Honor's directive that Plaintiff "advise the Court by letter....as to his request for notice to possible class members, in accordance with the instructions set forth in *Hecht*." [Docs. 56 & 61].

Based on my research to date, and after numerous substantive discussions with Defendant's counsel, the Parties agree that individual notice of the class settlement should be sent to each absent class member via U.S. Mail. Based on the circumstances of this case, Plaintiff believes that individual notice sent via U.S. Mail is the best practicable notice to ensure absent class members receive their due process right to notice and afford them an opportunity to opt out of, or object to, the class settlement. The Parties agree that individual notice by U.S. Mail squarely comports with the Second Circuit's recent guidance in *Hecht v. United Collection Bureau, Inc.*, 691 F.3d 218 (2d Cir. 2012).

At present, the Parties are in the process of revising their class settlement agreement to provide for the new manner of class notice and other issues, after which they intend to file a joint amended motion for class certification. Accordingly, Plaintiff respectfully requests that Your Honor permit the Parties until March 8, 2013, to finalize the terms of their revised class settlement agreement and file an amended joint motion for class certification.

Plaintiff thanks Your Honor for the Court's consideration of his herein request.

Respectfully submitted,
s/ William F. Horn
William F. Horn
via ECF Filing Only
cc: All Counsel of Record via ECF only

REQUEST GRANTED.
So ORDERED.

/s/ Arthur D. Spatt

ARTHUR D. SPATT, U.S.D.J.
2/23/13